

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

108 Degrees, LLC

v.

Civil No. 09-cv-00298-JL

Kevin Kattar, et al.

**PROCEDURAL ORDER: BENCH TRIAL**

On or before **3:00 p.m., June 21, 2011**, the parties shall jointly file:

- a **single** timeline setting forth all pertinent dates, times, and events, in whatever format the parties jointly choose (in other words, the parties need not comply with Local Rule 5.1(a) with respect to the timeline);
- a **single** Statement of Agreed Facts followed by a Statement of Disputed Facts. The disputed facts are not an invitation to advocacy (i.e., "The plaintiff can not establish irreparable harm because....." or "There is a strong likelihood of success on the merits because...."). The parties should simply list facts they intend to establish at the hearing, or which they contend will not be established at the hearing.

On or before **3:00 p.m. on June 24, 2011**, each party shall file:

- a witness list;
- an exhibit list; and
- proposed findings of fact and rulings of law, specifically tailored to each pleaded **claim, affirmative defense, counterclaim, and defense thereto.**

Counsel shall confer before the hearing to identify all areas of agreement and disagreement as to the admissibility of each exhibit.

**SO ORDERED.**



---

Joseph N. Laplante  
United States District Judge

Dated: June 14, 2011

cc: Paul M. DeCarolus, Esq.  
Denise A. Brogna, Esq.  
Mark B. Johnson, Esq.